

1982 WL 189365 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 13, 1982

***1 SUBJECT: Corrections—Jails, County and Municipal—Good Behavior Credits**

(1) Prisoners serving a sentence of 30 days or more are entitled to credit for good behavior pursuant to § 24-13-210. Code of Laws (1976).

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QUESTION:

1. Should prisoners receive credit for good behavior pursuant to § 24-13-210, Code of Laws when they are serving consecutive 30 day sentences in local facilities?

OPINION:

Yes. The General Assembly amended § 24-13-210 in Act No. 513 effective June 11, 1980, to provide the following:

(b) Each prisoner convicted of an offense against this State and confined in the facilities of the Department of Corrections or a county jail, or upon the public works of any county in this State, for a term of less than one year, whose record of conduct shows that he has faithfully observed all the rules of the institution wherein he is confined, and has not been subjected to punishment for misbehavior, shall be entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of fifteen days for each month served. When two or more consecutive sentences are to be served, the aggregate of the several sentences shall be the basis upon which good behavior credits shall be computed. (§ 24-13-210(b)).

It is clear that the statutory changes enacted by the General Assembly significantly alter the previous opinions of this Office. See 1966-67 Ops. Atty. Gen., No. 2269, p. 80. 1971-72 Ops. Atty. Gen., No. 3407, p. 278.

It is the opinion of this Office that a prisoner serving two or more 30-day sentences consecutively is entitled to credit for good behavior pursuant to § 24-13-210. Code of Laws (1976). When two or more consecutive sentences are to be served, the aggregate of the several sentences shall be the basis upon which good behavior credits shall be computed.

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